IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

Crl.MC.No. 1436 of 2007()

AGAINST THE ORDER DATED 28/02/2007 IN CMP 977/07 IN CC.101/2004 of CHIEF JUDL.MAGISTRATE, ERNAKULAM

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PETITIONER: ACCUSED-PETITIONERS

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1. VIRAM KUTTIAH, RESIDING AT FLAT NO.302, A1 CAZAR APARTMENTS, 11/1-18 INFANTRY ROAD CROSS, BANGALORE-560 001.

2. PAM KUTTIAH, RESIDING AT DO.

3. K.A.KUTTIAH, RESIDING AT DO.

BY ADV. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR

RESPONDENTS: COMPLAINANT-RESPONDENT

STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.1436 of 2007

Dated this the 24th day of May, 2007

ORDER

The short grievance of the petitioners is that copies of documents on which reliance is placed by the prosecution in an indictment against them, inter alia, under Sections 420 and 471 I.P.C have not been furnished to them. According to the counsel for the petitioners, only copies of statements of witnesses and the seizure mahazars have been furnished to the petitioners along with a copy of the F.I statement. But copies of the crucially relevant documents have not been furnished to the petitioners. The petitioners had made their grievance before the learned Magistrate. But the learned Magistrate, relying on the noting made in the proceedings made by the then presiding officer that copies of all records have been furnished to the petitioners, proceeded to reject the said petition. The report of the learned Magistrate was called for. The learned Magistrate reiterates the same reasons/grounds in the said report also.

2. In the circumstances of the case, I am satisfied that there is merit in the grievance raised by the petitioners and in a prosecution like the instant one, the petitioners are entitled for copies of all relevant documents as insisted by Section 207 Cr.P.C.

3. In the result, this Crl.M.C is, allowed. The petitioners shall, within 10 days, file before the learned Magistrate a list of the documents, copies of which have been furnished to him. If the prosecution proposes to rely on any other documents, the prosecution shall furnish copies of all such documents in accordance with law to the petitioners. The learned Magistrate shall look into grievance of non supply of any further copies and ensure that such copies are furnished to the petitioners or pass appropriate orders thereon.

(R.BASANT, JUDGE)

rtr/-